IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 29171 of 2006(W)

PETITIONER:

"HARIJAN SEVA SAMITHI", NANNAMBRA,
THEYYALINGAL P.O., MALAPPURAM-676 320,
REP. BY ITS SECRETARY SRI.BHASKARAN.K.,
S/O.MUNDAN, AGED 44 YEARS, KUNNUMMEL HOUSE,
THEYYALINGAL P.O., MALAPPURAM-676 320.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE NANNAMBRA GRAMA PANCHAYAT,
KUNDUR, ATHANIKKAL, THEYYALINGAL P.O.,
REP. BY ITS SECRETARY.

3. MADHAVAN NAIR, CHETTIAM VEETTIL,
KURUVAPPALLY, THEYYALINGAL P.O., MALAPPURAM.

R1 BY ADV. SRI. MATHEW G. VADAKKEL, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 29171 OF 2006

Dated this the 20th day of December, 2006

JUDGMENT

The grievance of the petitioner is that though they submitted an application for declaration of an existing burning and burial ground belonging to the Samithi under the Provisions of the Kerala Panchayat Raj(Burial and Burning Grounds) Rules,1998 before the 2nd respondent Panchayat and the Panchayat on considering that application has already heard them, the Panchayat is yet to forward the application with their recommendations towards the 1st respondent. Seeking expeditious action, the petitioner Samithi has submitted Ext.P1 representation which is addressed to the Collector as well as to the Panchayat.

2. Having regard to the grounds raised in the Writ Petition and submissions of Sri.Denizen Komath, counsel for the petitioner and Sri.Mathew G Vadakkel, learned Government Pleader who has taken notice on behalf of the 1st respondent, this Writ Petition will stand disposed of without examining the merits of the petitioner's claims, with the following directions:

The 2nd respondent will pass early orders on the basis of the hearing already conducted on the application submitted by the petitioner with regard to their Burial and Burning Ground. Thereafter the 2nd

respondent will forward the files to the 1st respondent who will consider Ext.P1 and expedite the matter. Final orders on the matter will be passed by the Collector at his earliest and at any rate within the statutory time limit itself. It is needless to mention that the Collector will hear all persons who appear before him in response to the notification to be issued.

PIUS C. KURIAKOSE, JUDGE

btt